

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VINCENT FREEMAN, II,

Plaintiff,

v.

FIELD SERVICE AGENTS, *et al.*,

Defendants.

Case No. 2:21-cv-01827-MMD-CSD

ORDER

I. SUMMARY

Plaintiff Vincent Freeman, II, brings this action under 42 U.S.C. § 1983 against Defendants Armando Lozano-Carrera and Milton Hsieh for events that occurred while Plaintiff was in the custody of the Clark County Detention Center (“CCDC”) as a pretrial detainee. (ECF No. 14.) Trial on Plaintiff’s single claim for excessive force in violation of his Fourteenth Amendment rights has been continued numerous times and is currently scheduled for December 3, 2024. (ECF No. 107.) This order addresses all pending motions.

II. DISCUSSION

A. Plaintiff’s Motions for Copies (ECF Nos. 110, 111)

In two separate filings, Plaintiff asks for copies of certain documents filed on the docket and transcripts of certain telephone hearings and calendar call. To the extent Plaintiff asks the Court to direct that a transcript be prepared, the Court denies the requests. Plaintiff does not have a right to have transcripts be prepared for his use. However, the Court grants the motions to the extent Plaintiff requests a document that is already filed on the docket and minutes from the identified hearings, because minutes are filed on the docket. Thus, the Court directs that the following documents be sent to Plaintiff: (1) order regarding trial and attached JERS memo (ECF Nos. 107 and 107-1);

(2) order docketed as ECF No. 88; and (3) a copy of the minutes of hearings docketed as ECF Nos. 40, 55, and 72.

B. Defendants' Motion to Strike Notice of Manual Filing (ECF No. 113)

Plaintiff filed a notice of manual filing and submitted a CD. (ECF No.112.) The Court grants Defendants' motion to strike the filing as a fugitive document. (ECF No. 113.) To the extent Plaintiff seeks to offer the CD as an exhibit for trial, Plaintiff will need to comply with the orderly process for offering trial exhibit as established in the Court's order regarding trial (ECF No. 107). In other words, Plaintiff should not simply file exhibits that he plans to offer. Plaintiff's motion to stay Defendant's motion to strike (ECF No. 116) is denied as moot. The Clerk of Court is directed to strike Plaintiff's notice (ECF No. 112) and return the CD to Plaintiff by mail.

C. Defendants' Motion to Continue Trial (ECF No. 114)

Defendants ask for a continuance of trial for two reasons: (1) Defendant Lozano-Carrera will be on paternity leave from the end of November 2024 to February 2025; and (2) Plaintiff is in the custody of the Nevada Department of Corrections until August 2027 and will be extradited to Florida after he completes his sentence. (ECF No. 114.¹) The Court grants the continuance and will continue trial to April 8, 2025. However, the Court directs the parties to file a status report by March 10, 2025, as to Plaintiff's custodial status and whether the case should be stayed until Plaintiff is released and can be available to prosecute the claim in this case.

III. CONCLUSION

It is therefore ordered that Plaintiff's motions for copies of documents (ECF Nos. 110, 111) are granted in part and denied in part as provided above. The Clerk of Court is directed to send the following documents to Plaintiff: (1) order regarding trial and attached JERS memo (ECF Nos. 107 and 107-1); (2) order docketed as ECF No. 88; and (3) a copy of the minutes of hearings docketed as ECF Nos. 40, 55, and 72.

¹The deadline for Plaintiff to respond was October 18, 2024 and Plaintiff did not timely respond.

1 It is further ordered that Defendant's motion to strike (ECF No. 113) is granted and
2 Plaintiff's motion to stay motion to strike (ECF No. 116) is denied. The Clerk of Court is
3 directed to strike Plaintiff's notice of manual filing (ECF No. 112) and return the CD
4 submitted to Plaintiff.

5 It is further ordered that Defendant's motion to continue trial (ECF No. 114) is
6 granted. Trial is continued to April 8, 2025. A calendar call is scheduled for March 17,
7 2025. The parties are directed to file a status report as provided above by March 10,
8 2025.

9 DATED THIS 21st Day of October 2024.

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12 MIRANDA M. DU
13 UNITED STATES DISTRICT JUDGE
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